

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD L. ALLEY, No. CIV-S-04-1934 MCE/PAN P

Petitioner,

v.

ORDER

TOM L. CAREY,

Respondent.

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 31, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.

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1 Neither party has filed objections to the findings and
2 recommendations.

3 The court has reviewed the file and finds the findings and
4 recommendations to be supported by the record and by the
5 magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED
6 that:

7 1. The findings and recommendations filed August 31, 2005,
8 are adopted in full; and

9 2. Respondent's February 23, 2005, motion to dismiss is
10 granted and this action is dismissed.

11 DATE: October 14, 2005

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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